MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medicine hereby amends Chapter 9, "Permanent Physician Licensure," Iowa Administrative Code.

These amendments are intended to define an observer and what an observer may do in a clinical setting and what is expected of the physician supervisor of an observer in a clinical setting.

The Board approved the amendment to Chapter 9 during a telephone conference call on September 17, 2008.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on August 13, 2008, as **ARC 7048B**. The Board amended the Noticed rules to address questions the University of Iowa raised on the definition and role of the observer. In addition, the Board made a clarification in paragraph 9.2(2)"a" and eliminated reference to Iowa Code chapters 150 and 150A which were removed upon enactment of 2008 Iowa Acts, Senate File 2338.

These amendments are intended to implement Iowa Code chapters 148 and 272C and 2008 Iowa Acts, Senate File 2338.

These amendments shall become effective on November 12, 2008.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of "Observer" in rule **653—9.1(147,148)**:

"Observer" means a person who is not enrolled in an Iowa medical school or osteopathic medical school, who observes care to patients in Iowa for a defined period of time and for a noncredit experience, and who is supervised and accompanied by an Iowa-licensed physician as defined in 9.2(3). An observer shall not provide or direct hands-on patient care, regardless of the observer's level of training or supervision. The supervising physician may authorize an observer to read a chart, observe a patient interview or examination, or witness procedures, including surgery. An observer shall not chart; touch a patient as part of an examination; conduct an interview; order, prescribe or administer medications; make decisions that affect patient care; direct others in providing patient care; or conduct procedures, including surgery. Any of these activities requires licensure to practice in Iowa. An unlicensed physician observer or a medical student observer may touch a patient to verify a physical finding in the immediate presence of a physician but shall not conduct a more inclusive physical examination.

An unlicensed physician observer may:

- 1. Participate in discussions regarding the care of individual patients, including offering suggestions about diagnosis or treatment, provided the unlicensed physician observer does not direct the care; and
- 2. Elicit information from a patient provided the unlicensed physician observer does not actually perform a physical examination or otherwise touch the patient.
 - ITEM 2. Amend paragraph 9.2(2)"a" as follows:
- a. Those persons described in Iowa Code sections 148.2(1) to $\underline{148.2}(5)$, $\underline{150.3}$, and $\underline{150A.2(1)}$ to $\underline{(5)}$.
- (1) A medical student or osteopathic medical student in an international medical school may not take on the role of a medical student in the patient care setting unless enrolling in the University of Iowa's Carver College of Medicine or in Des Moines University's College of Osteopathic Medicine; however, an international medical student not enrolled at either of these institutions may be an observer as defined in rule 9.1(147,148).
- (2) A graduate of an international medical school shall not practice medicine without an Iowa medical license; however, the graduate may be an observer as defined in rule 9.1(147,148).
 - ITEM 3. Adopt the following **new** subrule 9.2(3):
- **9.2(3)** Supervision of an observer. An Iowa-licensed physician who supervises an observer shall accompany the observer and solicit consent from each patient, where feasible, for the observation. The

physician shall inform the patient of the observer's background, e.g., high school student considering a medical career, a medical graduate who is working on licensure. The supervising physician shall ensure that the observer remains within the scope of an observer as defined in rule 9.1(147,148).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/8/08.